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BY ECF

Hon. Lewis A. Kaplan

Hon. Jennifer H. Rearden

United States District Court

Southern District of New York

Re: *Britvec, et al. v. City of New York, et al.*, 21-cv-10759 (JHR)
Casablanca-Torres v. City of New York, et al., 21-cv-10832 (LAK)

Your Honors:

I am co-counsel for Plaintiffs in these cases. I write jointly with opposing counsel following a March 9, 2023 meet and confer to inquire whether the recent reassignment of the *Britvec* matter from Judge Kaplan to Judge Rearden may have been in error in light of the background and history in the cases.

Both *Britvec* and *Casablanca-Torres* arise from June 3, 2020 events including arrests that occurred near Gracie Mansion in Manhattan during the summer 2020 Black Lives Matter protests that are the subject of the actions consolidated on the *In Re: New York City Policing During Summer 2020 Demonstrations* docket, 20 Civ. 8924 (CM)(GWG). In January of last year, after considering letters from the parties regarding potentially related cases, *see Britvec* ECF 16-17, Judge Kaplan consolidated *Britvec* and *Casablanca-Torres* with each other for discovery and discovery-related pretrial proceedings and urged counsel to coordinate discovery in these actions with discovery in the Consolidated Actions to the extent that such coordination would be helpful and appropriate and to do so without the need for judicial intervention. *See Britvec* ECF 18.

In February of 2022, Defendants filed a partial motion to dismiss in the *Casablanca-Torres* matter. *Casablanca-Torres* ECF 22-23. When Plaintiff amended the complaint on April 1, 2022 (*Casablanca-Torres* ECF 32), Defendants made another partial motion to dismiss (*Casablanca-Torres* ECF 42-44), which has been fully briefed since October of 2022 (*Casablanca-Torres* ECF 56-58, 66). The *Monell* claims that are the subject of the pending partial motion to dismiss in *Casablanca-Torres* are also pleaded in the same manner in the *Britvec* complaint.

On February 9, 2023, *Britvec* was reassigned to Judge Rearden. On February 28, 2023, the Court ordered the parties to submit a joint letter by next Tuesday, March 14, 2023 regarding the status of the case. *See Britvec* ECF 20.

Given Judge Kaplan's prior rulings that these cases are related and consolidating the cases for discovery and discovery-related pretrial proceeding, and because the partial motion to dismiss in *Casablanca-Torres* is pending before Judge Kaplan, the parties respectfully inquire whether *Britvec* may have been reassigned to Judge Rearden in error.

Finally, we ask that the Court either excuse the parties from filing the joint letter required by *Britvec* ECF 20 in light of this application, or, alternately, that the Court allow the parties to file the letter on March 21, 2023.

Thank you for your attention to these matters.

Respectfully submitted,

/S/

Gideon Orion Oliver